



USDC SENT
DOCUMENT
ELECTRONICALLY FILED
DOC #: 08cv02354
DATE FILED: 6/11/08

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 11, 2008

RECEIVED
IN CHAMBERS

By Hand Delivery

Honorable Lawrence M. McKenna
United States District Judge
United States District Court
500 Pearl St., Room 1640
New York, NY 10007

MEMO ENDORSED

JUN 11 2008

LAWRENCE M. MCKENNA
U.S.A.
SDNY

Milanes v. Chertoff, 08 Civ. 2354 (LMM) (KNF)

Dear Judge McKenna:

I am writing respectfully to request (*i*) a one-week extension of the deadline for the service of the Government's papers in this matter and (*ii*) permission to submit a 75-page memorandum of law with its papers.

First, the Government respectfully requests a one-week extension of the deadline for its papers in this matter, currently due on Friday. The papers that the Government is preparing are substantial: a motion to dismiss in part and remand in part, or in the alternative for summary judgment; an opposition to plaintiffs' motion for a preliminary injunction; and an opposition to plaintiffs' motion for class certification. These papers require the Government to address, among other things, the thousands of pages of relevant documents that the Government has produced as part of the USCIS and FBI administrative records in this case. Additionally, these papers require review by USCIS, FBI, and others in the Government prior to filing. Finally, the Government has had to divert significant resources to the collection and review for production of thousands of pages of documents requested by plaintiffs, rather than directing those resources to the briefing process. For all these reasons, the Government believes that despite its best efforts it will be unable to meet Friday's deadline, and respectfully requests that the current June 13, 2008 deadline be extended until June 20, 2008, to allow time for completion of these papers.

Plaintiffs do not consent to this requested briefing extension. Plaintiffs would agree to an extension of the Government's deadline until Monday, June 16, 2008, in exchange for an extension of plaintiffs' deadline for a reply brief from July 2, 2008, to July 3, 2008. The Government believes, however, for the reasons stated above, that an extension of its deadline until June 20, 2008, is necessary and appropriate under the circumstances, and will consent to any corresponding extension that plaintiffs propose for their own deadlines.

The government's time to serve & file its responsive submissions is extended to 6/19/08 at 1 P.M.; the plaintiffs' time to serve & file its reply submissions is extended to 7/8 at 1 P.M. Page limitations for such submissions are waived. So ordered.

*W - M/T
C80J 6/11/08*

Second, the Government respectfully requests permission to file a memorandum of law of 75 pages in connection with its papers. This single memorandum would be both in support of the Government's motion to dismiss and remand and, in the alternative, for summary judgment, and in opposition to plaintiffs' two motions. The Government requests permission to file this oversized brief because of the number of distinct factual and legal issues that must be addressed on what is essentially a combination of three motions. Plaintiffs consent to this request.

I thank the Court for its consideration of these requests.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


TOMOKO ONOZAWA
KIRTI VAIDYA REDDY
ROBERT WILLIAM YALEN
Assistant United States Attorneys
Tel.: (212) 637-2751 (Onozawa)
Tel.: (212) 637-2751 (Reddy)
Tel.: (212) 637-2722 (Yalen)
Fax: (212) 637-2687
E-mail: tomoko.onozawa@usdoj.gov
E-mail: kirti.reddy@usdoj.gov
E-mail: robert.yalen@usdoj.gov

cc (by e-mail): Richard Slack, Esq.
Foster Maer, Esq.
Justin Parkin, Esq.
Attorneys for Plaintiffs